IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

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PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 16467 of 2004

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Between:

Kothapalli Rami Reddy, S/o.Late Kista Reddy,
R/o.Pandyala V of Maheswara Mandal, RR Dist. now

R/o.16-11-20/4/24, Sreepuram Colony,
Saleemnagar, Malakpet, Hyderabad.

..... PETITIONER

AND

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1 The Joint Collector, RR Dist. Lakadikapool, Hyderabad.
2 Revenue Divisional officer, RR Dist. Ranga Reddy Dist.
3 M.R.O., Maheswaram Mandal, R.R.Dist.
4 K.Anji Reddy (d) per LRs 5-6, R/o.16-5-389/34,

Farahathnagar, Dabeerpura, Hyderabad.
5 K.Balwant Reddy, S/o.K.Anji Reddy, R/o.16-5-389/34,

Farahathnagar, Dabeerpura, Hyderabad.
6 Smt.K.Vithalamma, W/o.Late Rami Reddy,
R/o.16-5-389/34, Farahathnagar, Dabeerpura,
Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of certiorari by calling the records relating to file No. A4/1717/1984 led to impugned orders of first respondent in case D5/5821/98 dt.7-8-04 and to quash the same as illegal arbitrary irrational and discriminatory besides fundamental rights of petitioner vis-à-vis the provisions of R.O.R. and principles of natural justice.

Counsel for the Petitioner: MR.M.PRAVEEN KUMAR

Counsel for Respondents 1 to 3: GP FOR REVENUE

Counsel for Respondents 4 to 6: ----

The Court at the admission stage made the following :

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Revenue. Both have no objection for disposal of the writ petition at the admission stage.

The petitioner filed an appeal before the Revenue Divisional Officer aggrieved by the orders passed by the Mandal Revenue Officer, Maheshwaram Mandal, Ranga Reddy District bearing in File No.A4/1717/1984 in respect of land in S.Nos.111, 116,

119 and 131 situated at Pendyal Village in Maheshwaram Mandal of Ranga Reddy District. On issuance of notice, respondents 4 to 6 filed a counter affidavit in the appeal showing that the petitioner has no claim over the suit land. The Revenue Divisional Officer by order dated 16-5-1998 while observing that the rights of the petitioner have been meddled with, allowed the appeal setting aside the entries in pahanies for the year 1969-70 to 1971-72 and 1980-81 to 1983-84 and ordered restoration of the name of the petitioner in the pahanies. Aggrieved by the same, respondents 4 to 6 filed Revision Petition before the Joint Collector. The Joint Collector set aside the order passed by the Revenue Divisional Officer holding that the said order suffers from incurable legal infirmities and is vitiated by errors apparent on the face of the record and also suffers from inherent lack of jurisdiction.

Admittedly no order adverse to the petitioner has been passed which enabled the petitioner to file an appeal before the Revenue Divisional Officer conferring jurisdiction on the Revenue Divisional Officer to entertain such an appeal. The learned counsel for the petitioner submits that in the phanies for the year 1979-80 at remarks column Shara No.109 against which the petitioenr preferred an appeal reads as under:

> " As per Shara No.109 father of the petitioner expired and during the enquiry for change in the revenue records in favour of the respondents for the year 1977-78, petitioner raised an objection".

In view of the same, there is no order as such passed under Record of Rights Act adverse to the entry of the petitioner to maintain the appeal. In view of the same, the Revenue Divisional Officer ought not to have entertained the appeal. The said remarks in phanies is not an order passed under Records of Rights Act for enabling the petitioner to file an appeal and conferring the jurisdiction on the Revenue Divisional Officer to entertain the appeal, even otherwise. In view of the same, the order passed by the Joint Collector does not suffer from any infirmity, which warrant interference. More so, there it is a suit filed for partition, which is already pending before the competent Civil Court. As and when the suit is decided, it is needless to observe that the revenue records have to be corrected on application in the light of the decree to be passed in the said civil suit.

Accordingly, the Writ Petition is dismissed at the admission stage.

A. Gopal Reddy, J.

15th September, 2004.

Js.

ASSISTANT REGISTRAR

To

1 The Joint Collector, RR Dist. Lakadikapool, Hyderabad.
2 Revenue Divisional officer, RR Dist. Ranga Reddy Dist.
3 M.R.O., Maheswaram Mandal, R.R.Dist.

4 2 CCs to G.P. for Revenue, High Court Buildings, Hyderabad.

5 2 CD copies.